

JUL 23 2004

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FACSIMILE TRANSMITTAL

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TO:

Name: Art Unit 3731/Examiner U. Ho  
Firm: U.S. Patent & Trademark Office  
Fax No.: 703-872-9306  
Subject: U.S. Patent Application No. 09/626,636  
Gary Karlin Michelson, M.D.  
Filed: July 27, 2000  
A GUARD FOR USE IN PERFORMING  
HUMAN INTERBODY SPINAL SURGERY  
(as amended)  
Attorney Docket No. 102.0003-04000  
Customer No. 22882  
Confirmation No.: 6124

FROM:

Name: Thomas H. Martin, Esq.  
Phone No.: 330-877-2277  
No. of Pages (including this): 22  
Date: July 23, 2004  
Confirmation Copy to Follow: NO

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Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate; \$18.00 additional claims fee is to be charged to Deposit Account No. 50-1068) and Amendment are being facsimile transmitted to the U.S. Patent and Trademark Office on July 23, 2004.

  
Sandra L. Blackmon

If there is a problem with this transmission please call Sandy Blackmon at 330-877-1202 or the sender at the number above.

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FORM PTO-1083

Attorney Docket No.: 102.0003-04000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**  
**CENTRAL FAX CENTER**

In re application of:

Gary Karlin Michelson, M.D.

Serial No: 09/626,636

Filed: July 27, 2000

For: A GUARD FOR USE IN PERFORMING  
HUMAN INTERBODY SPINAL SURGERY  
(as amended)

Confirmation No. 6124

JUL 23 2004

Art Unit: 3731  
Examiner: U. HoMail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in response to the Office Action dated June 30, 2004 in the above-identified application.

- ☐ No additional fee is required.
- ☐ Applicant hereby requests a \*\*\*-month extension of time to respond to the above Office Action.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	160	-	159	1	LG=\$18 SM=\$9	\$18 \$ 18.00
INDEPENDENT CLAIMS FEE	5	-	5	0	LG=\$88 SM=\$43	\$88 \$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$280 SMALL ENTITY FEE = \$145	\$ 0
TOTAL						\$ 18.00

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ A fee in the total amount of \$18.00 to the cover the additional claims fee is to be charged to Deposit Account No. 50-1068.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1068. **A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

Date: July 23, 2004

By: Thomas H. Marlin  
Registration No. 34,3831557 Lake O'Pines Street, NE  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 23 2004

In re Application of:	)	Confirmation No 6124
Gary Karlin Michelson, M.D.	)	
Serial No.: 09/626,636	)	Group Art Unit: 3731
Filed: July 27, 2000	)	Examiner: U. Ho
For: A GUARD FOR USE IN	)	
PERFORMING HUMAN	)	
INTERBODY SPINAL SURGERY	)	
(as amended)	)	

**OFFICIAL**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT**

In reply to the Office Action dated June 30, 2004, please amend the application  
as follows:

**Amendments to the Claims** are reflected in the listing of claims: which begins on  
page 2 of this paper.

**Remarks** begin on page 18 of this paper.

Amendment 7-23-04.doc